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SENSITIVE
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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KTIP](#) [KJUS](#) [CB](#)
SUBJECT: CAMBODIA: 2009 TIP INTERIM ASSESSMENT

REF: A. STATE 111958
 [1](#)B. PHNOM PENH 744
 [1](#)C. PHNOM PENH 709

SENSITIVE BUT UNCLASSIFIED

[1](#)1. (SBU) SUMMARY: As part of its anti-trafficking efforts since April 2009, the Royal Government of Cambodia (RGC) has implemented a broad training initiative to reach law enforcement, judicial, and other government officials. The RGC consolidated its policy structure under a single umbrella known as the National Committee on the Suppression of Human Trafficking, Smuggling, Labor Exploitation, and Sexual Exploitation (the National Committee), and issued new national minimum standards for the protection of victims of human trafficking. Police arrested at least 28 perpetrators since April 2009, and the courts convicted at least 4 perpetrators on human trafficking charges during the same period. The RGC also passed a new Penal Code in October that includes anti-trafficking statutes, and police sources have said the broader Penal Code improves anti-trafficking efforts because it "fills some gaps" that existed in the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation. The RGC has been receptive to the recommendations contained in the 2009 TIP Report and is setting in place a sustained policy and implementation effort that is designed to go the distance in combatting TIP in Cambodia. END SUMMARY.

Training for Police and Government Officials

[1](#)2. (SBU) The RGC implemented an extensive training initiative to educate police officers and other government officials on the enforcement of human trafficking provisions in the 2008 Law. Under the leadership of the Cambodian National Police and the Secretariat of the National Committee, the RGC held 87 separate training sessions throughout the country that reached 4,000 government officials, 2,500 of whom were police officers. The RGC designed curriculum for various courses with assistance from non-governmental organizations (NGOs), and RGC trainers directed and implemented the courses. For example, the Anti-Human Trafficking and Juvenile Protection (AHTJP) Unit of the Cambodian National Police maintains a staff of seven full-time trainers. These seven trainers, together with the Director of the AHTJP Unit and the Deputy Commissioner General of the National Police, work with NGOs to develop curriculum for national and provincial police officers, and travel the country implementing these training courses. According to the Director of the AHTJP Unit, the initial emphasis has been training for anti-human trafficking police officers and other judicial police, such as the criminal investigative division officers. In 2010, the focus will expand to front-line officers, in particular the administrative police, immigration police, and border police.

[1](#)3. (SBU) Training for judicial professionals on the 2008 Law

began in August 2009 and will reach Cambodia's entire complement of 240 judges and prosecutors by the end of the calendar year. The Royal Academy for Judicial Professionals (RAJP) directed the creation of a one-day TIP module within its two-week continuing education course, which all judges and prosecutors must attend once each year. The module is an ASEAN-approved judicial training course, taught by RAJP judges and lawyers, and Cambodia is the first ASEAN nation to implement the course. Furthermore, the RAJP developed a TIP module for inclusion in the one-year judicial intake program that trains all incoming judicial professionals. The module will be used for the first time in the judicial intake program that starts November 30.

Improving Prosecutions and Convictions

14. (SBU) The RGC is improving prosecutions and convictions on trafficking, though its emphasis remains on prosecuting child sex tourists. Courts convicted at least four traffickers since April 2009, and at least 28 cases are pending action by investigating judges. This includes the conviction and sentencing to 10 years in jail of Chan Phally, a mother who prostituted her minor daughter to a foreign pedophile, one of the first such convictions in Cambodia. Reporting of such statistics from the courts remains difficult due to resource and technical limitations. Thus, the RGC and most observers believe the total number of cases is higher than those reported. On November 20, the Ministry of Justice will train court clerks and prosecutors from 19 provinces with courts on the 2008 Law and on correct data

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gathering and submission formats in order to improve provincial court reporting. In an effort to resolve the court backlog resulting from the lack of judges and prosecutors, the RAJP created a five-year plan to increase the number of judicial professionals, and the RGC committed to the planned increase in its budget. In September, the Ministry of Justice and Ministry of Interior formed a criminal justice working group to examine all types of cases, including TIP, for evidence of improper charging, sentencing or dismissal. Formed at the order of the Prime Minister, the working group is intended to resolve concerns of case mishandling raised by police, judicial officials, NGOs, and donors. According to the National Committee Secretariat, the working group has completed its examination of courts in 19 provinces and is in the process of compiling its reports.

15. (SBU) The Ministry of Justice continues to work on a first-ever "Explanatory Note" regarding the anti-TIP law, which should help police, prosecutors, and judges distinguish between TIP crimes and other related crimes of sexual exploitation. One goal of this new initiative is to increase understanding of TIP crimes and maximize prosecutions and convictions. The "Explanatory Note" is expected to be published in early 2010.

Interagency Cooperation

16. (SBU) On September 25, the Prime Minister signed the sub-decree merging the former National Task Force and High-Level Working Group into one policy-making structure, the new 18-member National Committee. The National Committee is chaired by Deputy Prime Minister and Minister of Interior Sar Kheng, with deputy chairmanships held by the Ministers for Womens Affairs, Social Affairs, and Labor. The Secretariat for the National Committee, which leads the day-to-day policymaking and coordination work of the RGC's anti-TIP efforts, has six working groups with interministerial membership. Each group also has a permanent vice-chair for an NGO representative, to ensure inclusion and dialogue between the RGC and TIP NGO community.

Victim Protection

17. (SBU) On August 31, the Ministry of Social Affairs promulgated a new Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking.

The document specifies 10 rights that must be protected by all persons working with victims, including police, social workers, health-care workers, and judicial officials (Ref B).

According to the Minister of Social Affairs, these standards provide guidelines for all government authorities in their efforts to identify victims among vulnerable populations, and ensure victims receive protection and rehabilitation. In response to needs expressed by the NGO community, the Ministry of Social Affairs and Ministry of Justice have begun work on a policy to provide legal protections to shelters that accept victims referred by the government, shielding the shelters from legal actions brought by disgruntled parents, traffickers, or others. Finally, an MOU between the Governments of Cambodia and Vietnam on victim identification and repatriation is under negotiation, and the Ministry of Social Affairs indicated it may be completed by year's end.

Public Awareness

18. (SBU) The RGC continues strong public education and awareness efforts nationwide to discourage commercial sex acts, particularly by tourists. These efforts include billboard advertisements, television and radio commercials, and outreach to hospitality and hotel owners and workers to report suspect activity. The effort yields results, as police in Siem Reap Province indicated they received and investigated over 300 calls regarding suspect activity so far this year. There has also been a highly visible crackdown by the government on child sexual exploitation, including by Cambodians and other Asians. Earlier this year, police arrested a Cambodian man for purchasing sexual favors from boys in his community. In July, the Sihanoukville court convicted a Japanese national for commercial production of child pornography, and in September, police in Phnom Penh arrested another Japanese national for commercial sexual exploitation of a minor girl. Media attention is particularly high for foreign arrests and convictions, which contributes to the public awareness campaign.

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COMMENT

19. (SBU) The RGC has been receptive to the recommendations contained in the 2009 Annual Trafficking in Persons report, and the suggested steps in the Action Plan released in August. The government commitment to combating trafficking was apparent in frequent meetings with the many government officials who work on these efforts, including with Ambassador CdeBaca. It is apparent that the RGC is setting in place a sustained policy and implementation effort that is designed to go the distance in combating TIP, and not just a one-off campaign to keep up appearances or satisfy short-term expectations. The greatest obstacles continue to be lack of resources and technical capacity in reporting court activity in a timely and usable way, and the lack of capacity in the legal system overall, which will continue to result in slow processing of cases.

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